

REMARKS

Claims 1, 4-6, 10-19, 21, 23-25, and 31-38 are pending. Claims 14-19, 21, 23-25 and 34 are withdrawn. Claims 1, 4-6, 10-13, 31-33, and 35-38 are rejected.

Claims 1, 4-6, 10-12, 31-33, and 35-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jadamus (US 6,428,866) and “Encyclopedia of Polymer Science and Technology” Pallmer, R.J. ed. John Wiley & Sons, New York 2001, vol. 3, pgs. 618-642 (Pallmer). Similarly, claims 13 and 38 are rejected under 35 U.S.C. §103(a) over Jadamus in view of Pallmer and further in view of Hegler (US 3,538,209). The Examiner relies on Pallmer as evidence that the percentage of amide groups attached to aromatic rings is a result effective variable. Particularly, the Examiner states that “Pallmer teaches that nylons (polyamides) containing aromatic monomers tend to have increased stiffness by virtue of the greater rigidity of the chains,” citing to page 625 of Pallmer.

MPEP 2144 requires that the Examiner establish a “variable, the variation of which achieves a recognized result” (MPEP 2144.05). Furthermore, MPEP 2144 requires that the Examiner provide evidence, beyond mere assertions, that the disclosed variable meets this definition. Pallmer fails to meet this standard. Pallmer merely discloses that the presence of aromatic monomers results in an increased stiffness compared to aliphatic nylon that does not include aromatic groups. No indication is given in Pallmer as to what effect varying the levels of amide groups attached to aromatic groups would have, or even that it is known to vary such a parameter. Therefore, Pallmer falls short of establishing a result effective variable under MPEP 2144.05. Accordingly, the rejections are improper and the claims are allowable.

Regarding both rejections, the Examiner alleges that it is obvious to vary the quantity of aromatic polyamide present in the outer layer of Jadamus and thereby optimize barrier properties and strength. Varying the *amount* of aromatic polyamide present in the outer layer bears no connection to the percentage of amide groups attached to aromatic ring in the *chemical structure* of the aromatic polyamide itself because the percentage of amide groups attached to aromatic rings would be the same regardless of the amount of aromatic polyamide present in the outer layer. *Prima facie* obviousness has not been established because the Jadamus reference does not disclose or teach the claimed chemical structure, and the rejection is therefore improper.

Therefore, the Applicant believes the application is in condition for allowance and requests notice to this effect. The Commissioner is authorized to charge Deposit Account No.

50-1482 in the name of Carlson, Gaskey & Olds for any extensions of time or additional fees and credit any overpayments.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

/Stephen A. Burch/

Stephen A. Burch

Registration No. 66,570

400 West Maple, Suite 350

Birmingham, Michigan 48009

Telephone: (248) 988-8360

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